

Exhibit A

2022 05969

CIVIL CASE NO

**Plaintiff Phillip Cunningham
Jr.,____,
PLAINTIFF,**

V.

(City of Houston_or
__harris__ County Constable
precinct 5),

(Katy Isd) , (Child Protective Services) DEFENDANTS.

§ Judicial District Court

Judicial District

Harris County, Texas

2954

FILED
BURGER
CLERK
MARTIN LUTHER KING, JR.
HARRIS COUNTY, TEXAS
JAN 6 1964

MAIL PROJECTSING CLERK C

PLAINTIFF'S ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiffs, Plaintiff Phillip Cunningham jr ("Plaintiff" or "Mr./Ms.
Phillip Cunningham jr (plaintiff)") files this Original Petition against
Defendants, (City of houston or harris County), ("constable precinct
5 or (katy isd,)(child protective services) in support thereof show as follows:

I. INTRODUCTION

1. Phillip

Cunningham

2. (City of _____ or harris County) _____

3. On 1/22/20 I PLAINTIFF was false imprisoned due misconduct by Harris County CO. (precinct 5)

III. PARTIES

4. Plaintiff, Plaintiff ___ Phillip Cunningham jr ___, is an individual residing in (City of _____ or ___ harris ___ County), Texas.

5. Defendant, (City of _____ or ___ harris ___ County), is a municipality located in Texas. It may be served with citation through the County Judge.

6. Defendant, (“(precint 5 constable _____) is an individual who may be served with citation at ___ harris county precint 5 katy tx _____, or wherever he may be found. He is being sued in his individual capacity; at all times relevant to this case, he acted under the color of law.

7. Defendant, (stockdick junior high or katy isd _____) I, is an individual who may be served with citation at _____, Texas , or wherever he may be found. He is being sued in his individual capacity; at all times relevant to this case, he acted under the color of law.

8. Defendant (cps)

IV. JURISDICTION AND VENUE

9. This Court has jurisdiction over defendants because they are citizens of the State of Texas. They engaged in a concerted wrongful activity, which is the subject of this lawsuit. Further, (City of _____ or ___ harris ___ County) does business in the State of Texas and is therefore subject to the jurisdiction of the State of Texas.

10. Plaintiff seeks monetary relief up to \$50,000,000 including damages of any kind,

penalties, costs, expenses, pre-judgment interest, and attorneys' fees, plus all other relief to which Plaintiff deems himself entitled.

11. Venue is proper in The Eastern District of Texas because all or a substantial part of the events or omissions giving rise to Plaintiff's claims occurred in (City of _____ or _____harris_____ County).

V. FACTUAL BACKGROUND

12. This is an action brought by Mr./Ms. _____Phillip Cunningham_____ (plaintiff) against Defendants for Fourth and Fourteenth Amendment violations under 42 U.S.C. § 1983 for claims of illegal search and seizure under the fourth amendment and failure to train or supervise.

13. On 1/22/2020, Plaintiff Phillip Cunningham jr _____ was at home and was not committing any crime, resisting arrest, or a threat to officers or anyone else when her fourteenth amendment rights were violated.

14. Defendants' acts and omissions proximately caused Mr./Ms. _____Phillip Cunningham jr _____ (plaintiff)'s injuries.

VI. CAUSES OF ACTION

42 U.S.C. § 1983 Fourth and Fourteenth Amendments

15. Plaintiff incorporates by reference all preceding paragraphs contained herein.

16. This suit is brought pursuant to 42 U.S.C. § 1983, which is entitled the Civil Rights Act. The critical language of the Civil Rights Act sets forth, in part:

17. "Every person who, under color of any statute, ordinance, regulation, custom, or

usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in action at law, suit in equity or other proper proceeding for redress.” Fourteenth and Fourth Amendments: Due Process, Unlawful Search, Seizure, and Detention.

18. Defendants acted under the color of law when Mr./Ms. ___Phillip Cunningham jr_____ (plaintiff), a pre-trial detainee, rights were violated due to the policies, practices, and customs of (City of _____ or ___harris_____ County) and (constable precinct 5 police dept. Mr./Ms. ___Phillip Cunningham_____ (plaintiff) was injured as a direct result of the acts or omissions by the Defendants.

19. Those acts or omissions violated Cunningham’s constitutional rights.

20. Harris county precinct 5 _____) is the policymaker for (City of _____ or ___harris_____ County) and is responsible for its inmates’ custody and training and supervision and supervision of (City of _____ or _____ County) Sheriff (police officer _____) officers.

21. (_ harris county precinct 5 or _____) is being sued in his individual capacity.

22. (harris county precinct 5 _or police Cheif _____) was aware there would be instances where his deputies may encounter citizens of the opposite sex and should respond appropriately and not with a violation of _____.

23. (Sheriff _____or police Cheif _____) was personally involved in the

constitutional deprivation of Mr./Ms. ___Phillip Cunningham jr_____ (plaintiff) because he was responsible for each of his deputies' training.

Illegal Seizure, False Imprisonment

24. Plaintiff incorporates by reference all paragraphs contained herein.

25. Defendants willfully detained Mr./Ms. ___Phillip Cunningham jr_____ (plaintiff).

26. Defendants directly restrained Mr./Ms. ___Phillip Cunningham jr_____ (plaintiff) from her physical liberty without adequate justification.

27. (City of _____ or ___harris___ County) was deliberately indifferent to the needs and constitutional rights of (Plaintiff) when it developed and instituted its policy on how duties are to interact with Jones in situations similar to the one forming the basis of this suit.

Failure to Train or Supervise by (City of _____ or ___harris___ County) and (Sheriff _____ harris county precinct 5 _____)

28. Plaintiff incorporates by reference all preceding paragraphs contained herein.

29. At all times relevant hereto, all of Mr./Ms. ___Phillip Cunningham_____ (plaintiff)'s inalienable and fundamental liberty interests were protected by the Constitution.

30. (City of _____ or ___harris___ County) ("(Sheriff harris county precinct 5 _____ or police Cheif _____) is the policymaker for (City of _____ or

_____ County) Law Enforcement.

31. (Sheriff_____ harris county precinct 5 _____or police Chief _____) is responsible for the supervision and training of his (deputy_____or police officer_____) officers.

32. (City of _____ or _____harris_____County) (deputy_____or police officer_____) deputies violated Mr./Ms. _____Phillip Cunningham_____ (plaintiff)'s constitutional rights by failing to train or supervise Defendants and upholding their actions with deliberate indifference and unreasonableness. In contrast, they violated Mr./Ms. _____Phillip Cunningham_____ (plaintiff)'s rights.

33. (City of _____ or _____County) and ("(Sherif harris county precinct 5 f____or police Cheif_____)failed to train or supervise Defendants on two of what should be the most basic skills any police (deputy_____ harris county precinct 5 ____or police officer_____) or sheriff (deputy harris county precinct 5 _____or police officer_____) should be able to do. Defendants were inadequately trained and supervised as evidenced by their inability to: (1) discern when a crime, for which someone can be arrested, has occurred; and (2) how to detain a nude woman in a bathroom that poses no threat of harm.

34. Defendants failed to employ two of the most basic skills of a (deputy harris county precinct 5 police officer_____).

35. Additional training or supervision by (City of _____ or _____harris_____County) and ("(Sheriff_____ harris county precinct 5 or police Cheif_____) would

have prevented Mr./Ms. Phillip Cunningham (plaintiff)'s injuries and violation of his constitutional rights.

Policy, practice, custom

In the past ten years the same or similar constitutional violations against others have occurred.

For example, in 20____, a (deputy _____ or police officer _____) from the same agency that violated plaintiff's right (City of _____ or _____ County) did _____ to _____ in violation of _____ Constitutional rights.

In 20____, a (deputy _____ or police officer _____) from the same agency that violated plaintiff's right (City of _____ or _____ County) did _____ to _____ in violation of _____ Constitutional rights.

In 20____, a (deputy _____ or police officer _____) from the same agency that violated plaintiff's right (City of _____ or _____ County) did _____ to _____ in violation of _____ Constitutional rights.

In 20____, a (deputy _____ or police officer _____) from the same agency that violated plaintiff's right (City of _____ or _____ County) did _____ to _____ in violation of _____ Constitutional rights.

In 20____, a (deputy _____ or police officer _____) from the same agency that violated plaintiff's right (City of _____ or _____ County) did _____ to _____ in violation of _____ Constitutional rights.

In 20____, a (deputy _____ or police officer _____) from the same agency that violated plaintiff's right (City of _____ or _____ County) did _____ to _____ in violation of _____ Constitutional rights.

ADDITIONAL FACTS

forth herein.

38. Plaintiff respectfully requests the Court and jury determine the amount of Plaintiff's loss in the past and will incur in the future.

39. There are certain elements of damages provided by law that Plaintiff is entitled to have the jury in this case separately consider determining the sum of money for each element that will fairly and reasonably compensate Plaintiff.

40. Plaintiff requests damages within the jurisdictional limits of the Court for:

- a. Physical pain and mental anguish;
- b. Loss of earning capacity and lost wages;
- c. Out-of-pocket economic losses;
- d. exemplary/punitive damages;
- e. Other expenses related to the delay or denial of adequate medical care;
- f. Costs of court;
- g. Pre-judgment and post-judgment interest at the highest rates allowable by law; and
- h. For such other and further relief, both general and special, at law and in equity, to which Plaintiff may show himself entitled.

X. JURY DEMAND

41. Pursuant to Texas Rule of Civil Procedure 216, Plaintiff respectfully requests and demands a trial by jury.

Civil Case Complaint 1/22/2022

PLAINTIFF – Phillip Cunningham Jr.

V.

Harris CO. Constable (P5)

KATY ISD

Child Protective Services

2022 05969

2954

FILED
MARILYN BURGESS
DISTRICT CLERK
HARRIS COUNTY, TEXAS
2022 JAN 28 AM 9:28

MAIL PROCESSING CLERK C

INTRODUCTION.

I Phillip Cunningham JR. was arrested on 1/22/2020. For injury to child, poss. int. deliver and man/del.

I Am a Individual residing in Harris county katy, Texas at time of such event. For approx. 6-7 days Harris County con. (p5) , cps and officials inside STOCKDICK JR HIGH. Harassed and questioned my daughter LEILANI Cunningham after she made a outcry to a school teacher or counselor. Leilani alleged and confessed to crimes to school officials. Her claims that I Phillip Cunningham Jr. had been forced her to commit past and current crimes for the last 3 years. Leilani claimed that since the age of 10 years old she has been selling drugs under father's control. After outcry was made no parent or guardian was contacted. Leilani's legal guardian is Audrey Williams, which whom contact information is on her school registration. So, for approx. 6-7 days Leilani was detained, harassed and question about alleged criminal activity without proper parent consent. Which is MALACIOUS Police Mis conduct. Furthermore, none of the claims that Leilani made where properly investigated nor cross ref. If investigators investigated these claims also with cps, they would have seen Leilani history over the last 2 years. Because of these false allegations I Phillip Cunningham JR. was arrested on my way to pick up Leilani from school because she missed the bus. I Believe my constitutional rights were violated also my daughter's constitutional rights also were violated. Also, I believe my right to due process was violated also. The unlawful tactics used by all DEFENDATS Including Coercion, threats of detention without habias corpus given to said outcry witness Leilani Cunningham. On the day I was arrested my home was also raided by HARRIS CO. (p5). I Was falsely imprisoned, and several national news outlets reported this story. Because of these new articles being made public across tvs, and social media. I have occurred emotional and mental trauma. For the last two years I have been harassed in public and in private making a leper in the community. Also, I haven't been able to get a job because when a company does a google background check of my name that malicious and slanders article is the 1st thing they see. And is written like is a fact which in question are all allegations. Do the nature of the allegations I have received multiple death threats and attempts on my life while in HARRIS COUNTY JAIL, PRIOR TO MAKING BOND ON ALL CHARGES. Due to this arrest my youngest child was taking into cps custody without notifying the parental mother. I do believe that this act of discrimination was intentional against me because of my race. The emotional anguish and pain that my daughter Leilani has suffered this past two years were so unbearable she almost took her own life. After Leilani made official outcry instead of protecting her from said allegations. Harris county (p5) used her as informant and can be heard or seen on tape asking Leilani to produce more evidence. Officers even allowed Leilani a minor to go on additional alleged drug deal after

initial police interview and outcry. So with all this info being said I would like to sue Defendants named above. for the following reasons. On DEC. 17, 2021, I Phillip Cunningham was acquitted of all charges and case was dismissed in its entirety.

Suing defendants' reasons and more in and amount of 50\$ million dollars

1. FALSE Imprisonment
2. Defamation of character
3. Emotional Distress
4. Job displacement
5. Slander
6. Harassment
7. Liable
8. Anxiety & Depression
9. Recouping of attorney fees, bond money for all 3 charges.

Phillip Cunningham Jr.
14366 Memorial Dr. Unit A
Houston, Tx 77079
SAnGeliipE86@icloud.com



XI. PRAYER

Plaintiff respectfully prays that the Defendants be summoned to appear and answer herein and that upon a final hearing of this cause, that judgment be entered for Plaintiff and against Defendants for all damages requested herein, together with prejudgment and post-judgment interest at the maximum rate allowed by law, attorney's fees, costs of court, and such other and further relief to which Plaintiff may possibly be entitled at law or in equity. In addition, Plaintiff requests this Court to punish each individual Defendant and deter others from engaging in similar misconduct.

Respectfully submitted,

Plaintiff__Phillip Cunningham jr_____

14366 Memorial Dr. Unit A

Houston, Tx 77079

SanFelipe86@icloud.com



CAUSE NO. 202205969

RECEIPT NO. 31123

75.00 CTM

TR # 73976484

PLAINTIFF: CUNNINGHAM, PHILLIP (JR)
vs.
DEFENDANT: PRECINCT 5

In The 295th
Judicial District Court
of Harris County, Texas
295TH DISTRICT COURT
Houston, TX

CITATION (CERTIFIED)

THE STATE OF TEXAS
County of Harris

TO: KATY ISD
OR WHEREVER IT MAY BE FOUND

6301 S STADIUM LANE KATY TX 77494

Attached is a copy of PLAINTIFFS ORIGINAL COMPLAINT

This instrument was filed on the 28th day of January, 2022, in the above cited cause number and court. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED, You may employ an attorney. If you or your attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of 20 days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

TO OFFICER SERVING:

This citation was issued on 24th day of February, 2022, under my hand and seal of said Court.



MARILYN BURGESS, District Clerk
Harris County, Texas
201 Caroline, Houston, Texas 77002
(P.O. Box 4651, Houston, Texas 77210)

Issued at request of:
CUNNINGHAM, PHILLIP (JR)
14366 MEMORIAL DRIVE UNIT A
HOUSTON, TX
Tel: (713) 294-1298
Bar No.: 1

Generated By: LAWSON, CHANDRA K 22D//11956379

CLERK'S RETURN BY MAILING

Came to hand the _____ day of _____, _____, and executed by mailing to Defendant certified mail, return receipt requested, restricted delivery, a true copy of this citation together with an attached copy of PLAINTIFFS ORIGINAL COMPLAINT to the following addressee at address:

(a)ADDRESSEE

ADDRESS

Service was executed in accordance with Rule 106
(2) TRCP, upon the Defendant as evidenced by the return receipt incorporated herein and attached hereto at

on _____ day of _____,
by U.S. Postal delivery to _____

This citation was not executed for the following reason: _____

MARILYN BURGESS, District Clerk
Harris County, TEXAS

By _____, Deputy